

Region III 841 Chestnut Building Philadelphia, Pennsylvania 19107

Mr. Joseph Otis Minott Executive Director Clean Air Council 135 South 19th Street Suite 300 Philadelphia, Pennsylvania 19103

207 1 1 1994

Dear Mr. Minott:

Thank you for your letter of October 5, 1994 expressing your concern over recent events in Pennsylvania, which attempt to undermine the goals of the Clean Air Act. As you can see, EPA has responded swiftly to both the Governor and Lieutenant Governor of Pennsylvania, encouraging them to follow through with implementation of the enhanced inspection and maintenance (I/M) program in the Commonwealth. Clearly, EPA will not hesitate sanctioning the Commonwealth, should implementation of the program be derailed.

EPA believes the I/M program will afford the citizens of Pennsylvania the maximum air quality benefit for the least cost. I would ask that you join me in support of this program and encourage your fellow Pennsylvanians to also support our clean air goals.

Sincerely,

Peter H. Kostmayer Regional Administrator

Enclosures:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

TO

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THE ADMINISTRATOR

The Honorable Robert P. Casey Governor of Pennsylvania Harrisburg, Pennsylvania 17120

Dear Governor Casey:

Thank you for your October 4, 1994 letter expressing uncertainty about recent events that affect the implementation of an enhanced vehicle inspection and maintenance (I/M) program in the Commonwealth. EPA fully concurs with your assessment that the delayed implementation of this program would needlessly prevent the citizens of Pennsylvania from realizing very substantial public health benefits. Moreover, such a delay would put the Commonwealth in jeopardy of mandatory industrial growth sanctions and loss of federal highway funding, both of which could severely weaken Pennsylvania's economy.

Several of the concerns that you raised in your letter were recently addressed by the Agency in response to your Lieutenant Governor, who raised similar concerns. A copy of that response is enclosed. We will be providing you information on your other concerns under separate cover.

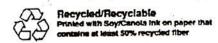
We wholeheartedly agree with your assessment that your administration has designed and is implementing an I/M program that minimizes the costs and inconvenience to Pennsylvania's motorists while providing the air pollution reductions needed to protect the public health. This program also will create jobs and conserve energy in the Commonwealth.

EPA believes that Pennsylvania has designed a model I/M program that is in keeping with the spirit and intent of the Clean Air Act. Again, I implore you to proceed with efforts that will allow for implementation of I/M as scheduled in January 1995. Anything less would needlessly subject the state to adverse health and economic effects.

Sincerely,

Carol M. Browner

Enclosure





COMMONWEALTH OF PENNSYLVANIA LIEUTENANT GOVERNOR'S OFFICE

IIARRISBURG 17120 0002

MARK S. SINGEL

October 6, 1994

The Honorable Carol M. Browner Administrator United States Environmental Protection Agency 401 M Street, S.W. Suite W-1200 Washington, D.C. 20460

Dear Administrator Browner:

As you know, the centralized inspection and maintenance (I/M) program mandated by the Clean Air Act has long been controversial in Pennsylvania, as elsewhere. As a state senator, I opposed imposition of such a program a dozen years ago, but our legislature was forced to accept it in the face of the requirements imposed by Congress and the Environmental Protection Agency (EPA) under prior Administrations. This sorry situation played out once again after Congress in 1990 adopted the Clean Air Act Amendments imposing an even more stringent auto inspection program on Pennsylvania.

Since that time, our Administration in Pennsylvania has sought ways to avoid the harshest impacts of this congressional mandate, but has received absolutely no cooperation from EPA. In January 1993, EPA representatives informed Pennsylvania officials that a centralized system was "[w]hat EPA wants to see" and that test-only systems for Pennsylvania were a "main EPA requirement." When I was Acting Governor in the latter half of 1993, Pennsylvania twice contacted EPA for clarification of this position, once through our Department of Transportation writing at my behest and the other in a personal letter from me to you directly.

The EPA regional office responded to the first inquiry that "[a]s of today, it is not possible for any existing test-and-repair program, including the existing Pennsylvania program, implemented solely as a test-and-repair program, to meet the performance standard" imposed by Congress; as EPA regulations require the use of data from existing systems only, this assertion was tantamount to a death knell for attempts to work with EPA to achieve an alternative system for our Commonwealth. Your deputy administrator, Mary Nichols, then responded to my insistence that EPA grant Pennsylvania the same flexibility given to California, that were we to take any legislative action such as that threatened in my letter, "the Commonwealth would face sanctions under the CAA for failing to implement its SIP." And so matters have continued.

Fed up with the failure of either EPA or Congress to respond to Pennsylvania's needs, our

legislature recently acted to revise Pennsylvania's I/M plan, as I had warned EPA nine months earlier. Apparently in reaction, EPA Regional Administrator Peter Kostmayer for the first time stated that there was some room for "flexibility" and that "it's not too late for the State to offer an alternative." This certainly came as a surprise to the Commonwealth government, but, if true, a welcome surprise; I immediately followed up on it. I was immediately disappointed.

I was informed today that Mr. Kostmayer's "flexibility" extended only to his personal schedule: While he was nice enough to agree to meet with Commonwealth officials, he made clear that there is no flexibility in EPA's approach and that if Pennsylvania attempts at all to alter the federally-imposed I/M plan, the imposition of congressionally mandated sanctions will be imminent. Mr. Kostmayer elaborated on this message in a discussion today with my chief of staff, telling him that

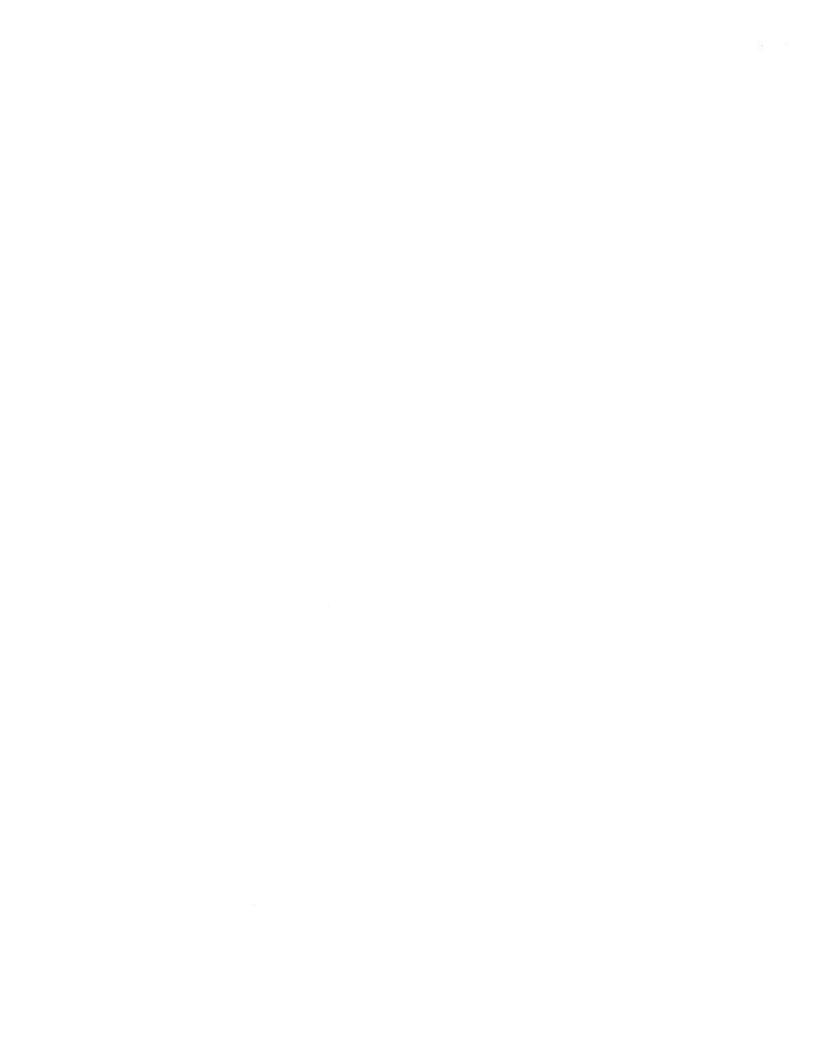
- (a) the only question as to EPA's determination to impose sanctions is whether, should Pennsylvania attempt to change its program, the "clock" has already run, meaning that sanctions would be imposed immediately, or whether there would still be seven months remaining before sanctions are imposed -- although Mr. Kostmayer asserted that EPA would not possibly approve changes in our plan within that time, so that the question of sanctions is only one of "when," not "if";
- (b) as a congressional co-sponsor and supporter of the CAA Amendments, Mr. Kostmayer is certain that EPA's position is consistent with, and was intended by, the 1990 law adopted by Congress, and that no change in EPA's position would be forthcoming without amendments to this law by Congress.

Given Mr. Kostmayer's position, further discussions at the regional level appear to be pointless. I am therefore writing to request that you meet personally with Commonwealth officials to discuss, as soon as possible, what Pennsylvania will be allowed by the federal government to change about the now-mandated emissions program -- and, if the answer is nothing, to help us urge those members of our congressional delegation who supported this mandate in 1990 to face their responsibility for changing this state of affairs.

Sincerely.

Mark Lingel

MARK S. SINGEL Lieutenant Governor





135 SOUTH 19TH STREET, SUITE 300 • PHILADELPHIA, PA 19103 (215) 567-4004 FAX (215) 567-5791

October 5,1994

Peter H. Kostmayer Regional Administrator EPA Region III 841 Chestnut St. Philadelphia, PA 19107

Dear Peter,

The Clean Air Council as you know is watching recent events in Pennsylvania closely. The Council believes that it is critical that EPA take a strong clear stance supporting Pennsylvania's Centralized Inspection and Maintenance program, the Employer Trip Reduction program, and Pennsylvania's participation in the Ozone Transport Commission. These elements are key to Pennsylvania cleaning up its air, and finally eradicating ozone pollution as a public health problem.

If Pennsylvania does overturn these programs, clearly Pennsylvania will be in violation of the federal Clean Air Act Amendments of 1990. The Council believes at that point EPA must start the process of sanctioning the Commonwealth, as is required by the law.

The Council respectfully requests a response outlining EPA's position and anticipated course of action on these issues. I look forward to your answer.

Sincerely,

Joseph Otis Minott



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

841 Chestnut Building Philadelphia, Pennsylvania 19107-4431

Honorable Mark S. Singel Lieutenant Governor of Pennsylvania Harrisburg, Pennsylvania 17120 OCT 0 5 1994

Dear Lieutenant Governor Singer!

Thank you for your letter of October 3, 1994 which outlines your concerns with the enhanced inspection and maintenance (I/M) program requirements of the Clean Air Act. As you know, the Environmental Protection Agency has been flexible in terms of listening and responding to Pennsylvanians' concerns about the program. I hope you will consider the long and short term benefits that Pennsylvanians will reap from this well-designed approach to clean air.

Over the past three years Pennsylvania has moved steadily from carefully planning an I/M program through debate to now implementation. The I/M program designed by Pennsylvania will afford the citizens of the Commonwealth the maximum air quality benefit for the least cost by removing approximately 225 tons per day of pollution from our air.

The program also takes consumer concerns into account. It provides vehicle owners with convenient locations, short wait times and accurate, computer-controlled emissions tests. It also helps ensure economic growth by sharing with Pennsylvania business and industry the task of reducing air pollution.

The Clean Air Act recognizes a time for debate and a time for implementation. At this late date, any delay or modification of this program will immediately place the Commonwealth in jeopardy of mandatory sanctions on highway funding and on industry.

I would urge the Commonwealth to continue to ensure implementation of the I/M program and to discourage efforts to delay it in any way. Please do not hinder the progress the Commonwealth has made in meeting the goals of the Clean Air Act.

Sincerely

Peter H. Kostmayer Regional Administrator

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CONTROLLED CORRESPONDENCE FROM THE **GOVERNMENT AFFAIRS BRANCH**

CONTROL NUMBER: AL9404834

RECEIVED FROM/RESPOND TO:

Honorable James C. Greenwood House of Representatives Washington, DC 20515

Dear Congressman Greenwood:

SUBJECT: PA - I/M

RECEIVED IN GAB: 10/19/94

DATE DUE IN GAB: 10/31/94

DATE SIGNED: NOV 2 5 1994

DELIVERED TO THE CORRESPONDENCE CONTROL POINT IN BOLD ON: 10/19/94

Air, Radiation and Toxics Division (Dottie Todd)

Chesapeake Bay Program (Kim Lonasco)

Environmental Equity (Dominique Lueckenhoff)

Environmental Services Division (Gayl Solomon)

Hazardous Waste Management Division (Alicia Morris)

Office of External Affairs (Angela Cochnar)

Office of Policy and Management (Joan Kopper)

Office of Regional Counsel (Geri DiSantis)

Water Management Division (Louvinia Madison-Glenn)

SPECIAL INSTRUCTIONS: When responding to correspondence controlled to the Region from headquarters, please state (in the first paragraph of the response) that we are responding on behalf of whoever the letter was addressed to at headquarters. 7 2 9 1994

RECEIVED

AIR, RADIATION & TOXICS

JAMES C. GREENWOOD BTH DISTRICT PENNSYLVANIA COMMITTEE ON ENERGY / ND COMMERCE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

SUBCOMMITTEE ON COMMERCE. CONSUMER PROTECTION

AND COMPETITIVENESS

Congress of the United States

House of Representatives

Washington, **DC** 20515–3808 October 13, 1994

515 CANNON BUILDING WASHINGTON DC 20515 (202) 225-4276 DISTRIC* OFFICES

69 E. OAKLAND AVE DOYLESTOWN, PA 18901

(215) 348-7511 1 OXFORD VALLEY SUITE 800 LANGHORNE, PA 19047

(215) 752-7711

The Honorable Carol M. Browner Administrator EPA 401 M St SW Washington, DC 20460-0001

Dear Administrator Browner:

I want to bring to your attention the enclosed wire story regarding the auto emission testing program in Pennsylvania. As you will note, the article indicates that EPA Regional Administrator Peter Kostmayer is pitching an Arizona firm's automobile emissions testing system "that's expected to eliminate 225 of the 2,000 tons of airborne pollution created by cars every day."

My curiosity about the figures cited in the article led me to ask my staff to contact the reporter for the source of the numbers. I was advised that the source of the numbers was Administrator Kostmayer. I would appreciate your assistance in obtaining the scientific basis for and origin of the numbers being quoted.

I also would appreciate receiving at the earliest possible date the scientific studies that were used as a basis for the emissions testing requirements in the Department's November 1992 Rule on Inspection/Maintenance Program. Please include the program's anticipated effect on air quality.

As we have discussed, the Employer Commuter Option (ECO) also is of grave concern to many in the State of Pennsylvania. would appreciate the scientific studies that were the basis for this program as well as the ECO's anticipated effect on air quality.

Thank you, in advance, for your prompt attention to this request.

Sincerely,

C. Greenwood Jame

JCG:sc Enclosure

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PM-Auto Emissions, 430

EPA Chief Kicks Off Auto Emissions Campaign With Arizona Firm By WAYNE WOOLLEY=

Associated Press Writer=

PHILADELPHIA (AP) Fifteen minutes isn't a long time to wait for cleaner air in Pennsylvania.

At least that's the way federal Environmental Protection Agency Regional Administrator Peter Kostmayer is pitching a proposed automobile emissions testing system run by an Arizona firm that's expected to eliminate 225 of the 2,000 tons of airborne pollution created by cars every day.

The disputed plan calls for motorists in 25 urban and suburban counties to have their cars tested biannually at one of 86 sites around the state.

It has already run into criticism from the Legislature and others who fear the system will have inconvenient locations and long lines.

''Our program is in the best interests of the Commonwealth,''
Kostmayer said Wednesday as he kicked off a statewide tour to push
the plan.

The state already signed a contract with Arizona-based Envirotest Systems Inc. to build and operate the 86 centralized testing stations outfitted with state-of-the-art equipment. Kostmayer said that nearly all have been built already.

Envirotest has guaranteed that 85 percent of drivers will be able to take the test within 15 minutes; 95 percent within 20 minutes and 100 percent within 25 minutes. Kostmayer said the company 'will pay substantial penalties' if the tests take longer.

The cost of the test would range from \$17 to \$22. Repairs would have to be made at garages, not at the testing sites.

Kostmayer warned that doing nothing will be expensive.

If Pennsylvania delays the federally mandated program it faces the loss of about \$1 billion annually in federal highway funds, beginning in January of 1995, he said.

Lt. Gov. Mark Singel, the Democratic gubernatorial nominee, opposes the plan, as does the Legislature, which voted last month to block the plan and ordered the state Department of Transportation to formulate alternatives.

Gov. Robert P. Casey, however, supports the plan and promised this week to veto the Legislature's measure blocking it.

While the EPA is talking with Legislative leaders, Kostmayer saod he's fully prepared for a Legislative override of Casey's veto.

Kostmayer said he's trying to convince the public that the new test will clean the air at the best costs.

He predicted that 80 percent of the cars would pass the test the first time. He said an estimated three percent of car owners taking the test would have to spend the maximum of \$450 in repairs to reduce pollution emissions.

The EPA would waive any repairs beyond \$450 in each two year period, said EPA spokeswoman Ruth Podems.



Region III 841 Chestnut Building Philadelphia, Pennsylvania 19107

Honorable James C. Greenwood House of Representatives Washington, DC 20515

NOV 25 1994

Dear Congressman Greenwood:

Thank you for your letter of October 13, 1994 to Administrator Browner regarding the Pennsylvania enhanced inspection and maintenance (I/M) and the Employee Commute Options (ECO) programs. Our office is responding to your letter on behalf of the Administrator.

Please find enclosed four EPA documents which will address your questions regarding the data and research used to develop the federal regulations for the motor vehicle inspection and maintenance (I/M) program. A copy of the federal I/M regulations is also enclosed. We have also included one document released by the Colorado Department of Health and one document released by Radian Corporation which address IM240 testing and alternatives. The specific data collected by EPA on each vehicle tested under the IM240 test procedure is available through the Michigan Terminal System which is operated by Wayne State University.

The numbers quoted in the press release cited in your letter were incorrect. Enhanced I/M is expected to eliminate 131 tons per day of the 2,207 pounds per day of volatile organic compounds (VOCs) emitted in Pennsylvania from all sources which includes highway, stationary, nonroad and area sources. Current state plans call for a 210 tons per day VOC reduction from highway sources, of which 131 tons or 62 percent are due to the enhanced I/M program. These figures were obtained from the Pennsylvania Department of Environmental Resources and were calculated using EPA's MOBILE5a model which estimates highway emissions.

We are currently looking into your request for the scientific studies that were the basis for the ECO program and ECO's anticipated effect on air quality. We will be sending this information to you in a subsequent letter.

In closing, we believe the Commonwealth has crafted an enhanced I/M program which meets the intent of the Clean Air Act and we are encouraging the full implementation of this program.

Sincerely,

Peter H. Kostmayer Regional Administrator

Enclosures (7)

In closing, we believe the Commonwealth has crafted an enhanced I/M program which meets the intent of the Clean Air Act and we are encouraging the full implementation of this program.

Sincerely,

Peter H. Kostmayer Regional Administrator

Enclosures (7)

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| EPA Form | 1320-1 (12-76) | 10 | | t | 11/4/94 | 11/15/94 | OFFICIAL F | LE COPY |

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MANK S SINGEL

October 3, 1994

The Honorable Peter Kostmayer Regional Administrator Environmental Protection Agenty 841 Chestnut Street Philadelphia, PA 19107

Dear Peter:

For nearly two years, EPA has told Pennsylvania officials that if we attempted to deviate from the now-scheduled centralized auto emissions and testing program, EPA would impose sanctions mandated by Congress in the Clean Air Act Amendments of 1990 (the CAA). These congressionally mandated sanctions include the loss of federal highway funds, totaling nearly one billion dollars per year, and offsets on industry emissions which would essentially prohibit further economic growth in Pennsylvania.

In the face of EPA's repeated threats of such draconian sanctions, Pennsylvanians have had little choice but to comply. Inquiries into alternatives that I and other state officials made during my tenure as Acting Governor were met only by curt recitals that sanctions would be imposed were the slated program changed or delayed.

In December 1993 I warned EPA Administrator Carol Browner that any special treatment accorded California but not Pennsylvania would result in the Pennsylvania legislature acting in early 1994 to repeal our auto emissions program. I had not counted, however, on the fact that the state Senate would fall into Republican hands and so the legislative action I had predicted to repeal this onerous program would not occur until the Republicans saw a chance to make a campaign issue of it after delaying action until late 1994.

The Pennsylvania legislature has finally acted, however -- and the result has been that EPA has for the first time indicated a willingness to negotiate. As you know, in response to your published statements after the state Senate vote that you were willing to examine flexibility in EPA's position, I immediately contacted you to sit down face-to-face this week.

I thank you for this long-overdue opportunity for Pennsylvania to negotiate changes in the program with appropriate federal officials -- but I want you to know going into the meeting what I and the people of Pennsylvania expect:

- EPA permission to institute a hybrid, decentralized and/or test-and-repair system;
- o lowering of the cap on out-of-pocket repair costs to consumers due to the emissions program to \$125 from the current \$450;
- a quarantee that test fees will not rise any higher than those in effect for Pennsylvania's current auto emissions program, plus inflation;
- o removal of Pennsylvania from the Northeast Ozone Transport Commission region; and,
- delay of the onset of any new testing program until July 1, 1995.

We in Pennsylvania have made every attempt to act responsibly and comply with the mandate that Congress voted to impose and which the EPA under President Bush put into effect. We expect our good faith to be met by good faith on the part of federal officials in responding to the growing perception in Pennsylvania that our state has been singled out for more onerous treatment than others, and that the congressionally-mandated emissions program must go.

I appreciate your willingness to meet with me to see if we can together push open the door that you have finally opened a crack after your superiors so repeatedly slammed it in Pennsylvania's face.

Sincerely,

MARK S. SINGEL

Lieutenant Governor

CONTROLLED CORRESPONDENCE FROM THE GOVERNMENT AFFAIRS BRANCH

CONTROL NUMBER: AL9404196

RECEIVED FROM/RESPOND TO:

Honorable Arlen Specter United States Senate Washington, D.C. 20510 RECEIVED

SEP 6 1994

AIR, RADIATION & TOXICS

28x

SUBJECT: Delaware Valley/Severe Ozone Nonattainment Area

RECEIVED IN GAB: 9/6/94

DATE DUE IN GAB: 09/15/94

DATE SIGNED: SEP 21 1994

DELIVERED TO THE CORRESPONDENCE CONTROL POINT IN BOLD ON: 9/06/94

Air, Radiation and Toxics Division (Dottie Todd)

Chesapeake Bay Program (Kim Lonasco)

Environmental Equity (Dominique Lueckenhoff)

Environmental Services Division (Gayl Solomon)

Hazardous Waste Management Division (Alicia Walls)

Office of External Affairs (Angela Cochnar) - DON WELSH

Office of Policy and Management (Joan Kopper)

Office of Regional Counsel (Geri DiSantis)

Water Management Division (Louvinia Madison-Glenn)

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Region III 841 Chestnut Building Philadelphia, Pennsylvania 19107

SEP 21 1994

Honorable Arlen Specter United States Senate Washington, D.C. 2051

Dear Senator Specter:

I am responding to your letter of August 30, 1994 to Administrator Browner transmitting the concerns of Mr. F. Karl Schauffele, President, Main Line Chamber of Commerce, regarding the ozone classification applicable to the Delaware Valley. issues regarding the validity of the air quality data used to classify the Philadelphia ozone nonattainment area as "severe" have been raised earlier by PENJERDEL and others. In 1993, EPA reviewed two studies commissioned by PENJERDEL regarding the air quality data and attainment status of the Phildelphia ozone nonattainment area. Briefly, EPA concluded that the studies were flawed and subsequently met with PENJERDEL and its contractors to discuss the specific technical flaws of each of those studies. Enclosed, for your information, are copies of letters dated October 27, 1993 and February 4, 994 stating the reasons for EPA's conclusions regarding the PENJERDEL studies.

EPA has concluded that the air quality data used to classify the Philadelphia ozone nonattainment area is accurate. The Clean Air Act requires that all "severe" ozone nonattainment areas, such as Philadelphia, implement an Employer Trip Reduction Program (ETRP), among other control measures. EPA believes that it is possible to implement ETRP in a flexible manner such that air quality is improved and businesses can continue to grow in Certainly improving air quality and attaining the the area. ozone standard is a benefit to all citizens in the Philadelphia area and would serve as a draw for businesses to the area. EPA would be eager to approve an attainment demonstration which uses EPA approved modeling and where emitting sources commit to permanent, quantifiable, and enforceable control measures to reduce emissions in Philadelphia so that the ozone standard is attained by the year 2005 or, on an accelerated schedule, so that the standard is attained by an earlier date. To date, EPA has not seen such an attainment demonstration.

I want to assure you that EPA and DER are working closely to develop a plan which will get the Philadelphia nonattainment area to attainment of the ozone standard. We welcome the participation of concerned citizens and groups such as PENJERDEL and the waste in the development of that plan.

If you have any questions of comments, please feel free to contact this office again.

Sincerely,

Peter H. Kostmayer Regional Administrator

Enclosure



Region III 841 Chestnut Building Philadelphia, Pennsylvania 19107

OCT 27 1993

James M. Salvaggio, Director Bureau of Air Quality Pennsylvania Department of Environmental Resources P.O. Box 8468 Harrisburg, Pennsylvania 17105-8468

Dear Mr. Salvaggio:

This letter is in reply to your September 21, 1993 request that EPA respond to a report forwarded to the Pennsylvania Department of Environmental Resources (PADER) by PenJerDel, dated September 16, 1993, on the Philadelphia-Wilmington-Trenton ozone nonattainment area, commonly referred to as the Philadelphia area.

PenJerDel's report concludes that the Philadelphia ozone nonattainment area does not need to implement the Employer Trip Reduction (ETR) program because the area was incorrectly classified as severe based on an unreliable monitored ozone reading in Chester, Pennsylvania on September 11, 1989. According to PenJerDel, this monitored value should have been discarded because of traffic congestion on the day in question. PenJerDel also concludes that the next highest monitored ozone exceedance was in the serious nonattainment range, not severe. PenJerDel implicitly questions EPA's methodology on how ozone design values are calculated and offers other statistical tests to show that, using these other tests, the design value would not be in the severe nonattainment range. In support of a lower classification of "serious" for the Philadelphia nonattainment area, PenJerDel also asserts that the Philadelphia area can attain the ozone standard by November 15, 1999, which is the statutory deadline for serious ozone nonattainment areas.

EPA has evaluated the PenJerDel report and determined that the facts do not support its conclusions. In the first instance, traffic congestion in the area of a monitor typically results in localized decreased ozone monitored values because of increased nitrogen oxide formation which scavenges ozone. Ozone formation is a gradual process which would not be expected to occur at the site of the generation of the precursors, but instead, downwind from that site. Therefore, increased emissions from vehicle traffic around the Chester monitor might be expected to result in increased ozone readings at monitors downwind from Chester but not at the Chester monitor itself.

Philadelphia area. EPA continues to support the Commonwealth in the development of all programs needed to attain and maintain the ozone standard in the Philadelphia severe ozone nonattainment area, including stationary, mobile and area source measures. If you have any questions about our analysis, please contact Ms. Marcia L. Spink, Chief, Air & Radiation Programs Branch at (215) 597-4713.

Sincerely,

Thomas J. Maslany, Director

Air, Radiation & Toxics Division

ARLEN SPECTER

United States Senate

WASHINGTON, DC 20510-3802

AGING
JUDICIARY
APPROPRIATIONS
VETERANS' AFFAIRS
ENERGY AND
NATURAL RESOURCES

August 30, 1994

The Honorable Carol M. Browner Administrator U.S. Environmental Protection Agency 401 M Street, S.W. Washington, DC 20460

Dear Administrator Browner:

I am writing to bring to your attention an issue that has arisen regarding the current air quality classification of the Delaware Valley as a "severe" ozone nonattainment area.

I have enclosed a letter I received from F. Karl Schauffele, President of the Main Line Chamber of Commerce, which raises an important question as to the data utilized by the U.S. Environmental Protection Agency (EPA) when it classified the area as "severe." Tests are being conducted in Pennsylvania to determine whether the area should be reclassified.

Accordingly, I urge your personal and full review of the concerns expressed by the Main Line Chamber of Commerce.

Sincerely,

AS:dr

Enclosure

8/31/94 RKC

The Main Line Chamber of Commerce

August 3, 1994

Office of the President F. Karl Schauffele

The Honorable Arlen Specter 530 Senate Dirksen Office Building Washington D.C. 20510-3802

Dear Senator Specter:

RE: Employer Trip Reduction Program

The Board of Directors of the Main Line Chamber of Commerce on behalf of its members wish to register their grave concern with the current air quality classification of the Delaware Valley as "severe" non-attainment for ozone. For both economic development and health reasons, the classification must be changed to the improved "serious" category.

As you know, the Main Line Chamber of Commerce represents over 1,250 businesses in areas of Montgomery, Chester and Delaware counties. Our Board has been monitoring the implications of the Employer Trip Reduction Program (ETRP) during the past year. Along with organizations like the PENJERDEL Council, we are clearly aware of the onerous potential for enforcement of the "severe" classification upon our member businesses. PENJERDEL has taken the lead by conducting two regional air quality studies last summer which challenged the data utilized by the U.S. Environmental Protection Agency (EPA) in arriving at the "severe" classification. The results of the studies indicated that the region's air quality classification may have been based on erroneous data and that the air quality classification and trends are suitable in the Delaware Valley to warrant the classification of "serious", which would be a substantial benefit to business. Such a change would not lessen efforts to improve the air quality standards, but would in fact accelerate the process. The different implications of the two classifications are substantial, and we suggest that you do everything in your power to insure that the data being relied upon by government agencies is accurate and reliable.

We believe that the ETRP (Employer Trip Reduction Program) mandate to control ozone levels that are based on questionable data will have a major impact on the sustainability of companies and the continuity of the workforce in our area. Enforcement of a program that is not needed in its current form, and threats of enforcement actions by DER for n non-compliance could cost businesses in the area millions of dollars in increased operating costs, and will surely result in the loss of jobs in the region. We are sure that creating jobs in the region is a goal you share with the Main Line Chamber of Commerce and other agencies, but before we can even begin to create new jobs, we must do everything in our power to maintain the existing jobs in the area.

PENJERDEL, along with the Pennsylvania Governor's Economic Development Partnership and other interested parties, has begun a new series of tests designed to EPA's specifications, which they hope will satisfy the technical argument for reclassification. They plan to present this information to EPA and DER this fall, and in turn, this could result in a shorter attainment schedule for reaching improved air quality standards. Under the proposed PENJERDEL program, improved air standards would be met by the year 1999 rather than 2005.

Employer Trip Reduction August 3, 1994 Page -2-

While technical support is critical in our efforts to reclassify the region, we need your support in Harrisburg/Washington to help convince EPA/DER that the enforcement mechanism for ETRP is onerous and that the Commonwealth and its agencies should do everything in their power to support efforts to keep jobs in Pennsylvania.

We must not lose more businesses to states with a friendlier business climate, and we must do all we can to remove the sign of "severe non-attainment area" that currently hangs over our region for companies seeking to locate or expand in the Delaware Valley.

Thank you very much for your support.

Very truly,

F. Karl Schauffele

President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III 841 Chestnut Building Philadelphia, Pennsylvania 19107

SEP 21 1994

Honorable Arlen Specter United States Senate Washington, D.C. 20510

Dear Senator Specter:

I am responding to your letter of August 30, 1994 to Administrator Browner transmitting the concerns of Mr. F. Karl Schuffele, President, Main Line Chamber of Commerce, regarding the ozone classification applicable to the Delaware Valley. The issues regarding the validity of the air quality data used to classify the Philadelphia ozone nonattainment area as "severe" have been raised earlier by PENJERDEL and others. In 1993, EPA reviewed two studies commissioned by PENJERDEL regarding the air quality data and attainment status of the Phildelphia ozone nonattainment area. Briefly, EPA concluded that the studies were flawed and subsequently met with PENJERDEL and its contractors to discuss the specific technical flaws of each of those studies. Enclosed, for your information, are copies of letters dated October 27, 1993 and February 4, 1994 stating the reasons for EPA's conclusions regarding the PENJERDEL studies.

EPA has concluded that the air quality data used to classify the Philadelphia ozone nonattainment area is accurate. The Clean Air Act requires that all "severe" ozone nonattainment areas, such as Philadelphia, implement an Employer Trip Reduction Program (ETRP), among other control measures. EPA believes that it is possible to implement ETRP in a flexible manner such that air quality is improved and businesses can continue to grow in the area. Certainly improving air quality and attaining the ozone standard is a benefit to all citizens in the Philadelphia area and would serve as a draw for businesses to the area. EPA would be eager to approve an attainment demonstration which uses EPA approved modeling and where emitting sources commit to permanent, quantifiable, and enforceable control measures to reduce emissions in Philadelphia so that the ozone standard is attained by the year 2005 or, on an accelerated schedule, so that the standard is attained by an earlier date. To date, EPA has not seen such an attainment demonstration.

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| SURNAME | 3AT13 | ОЗАДТ13, | 3AT10,44 | 3AT00 | 3EA10/ | | 3R400 | |
| DATE | CXXXVV DINAM | a 1994 | 9 13 94 | all w | 3EALO | | | |
| EPA Form | 1320-1 (12-70) | 7 | | 1 | 9/19/94 | | OFFICE | HREALE FORY |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

SEP 23 771

THE ADMINISTRATOR

Honorable Robert P. Casey Fovermor of Fennsylvania Harrisburg, Fennsylvania 17120

Dear Governor Casey:

I understand that the Pennsylvania Legislature may be reconsidering the Clean Air Act's mandatory enhanced vehicle inspection and maintenance (I/M) program for the Commonwealth. As you know, on August 31, 1994 EPA promulgated federal approval of the Commonwealth's I/M program and incorporated it into the State Implementation Plan for Pennsylvania. It is very important that the Commonwealth move forward to implement this program.

An effective test-only I/M program will substantially reduce both ground-level ozone and air toxics emissions. Moreover, the Commonwealth's test-only program has been designed to provide the maximum air quality benefit for the least cost to the people of Pennsylvania. The Commonwealth's adoption and implementation of this I/M program design lessens the burden of reducing ozone precursors placed on Pennsylvania's business and industrial sector. Because of the timely submittal and approval of the Commonwealth's enhanced I/M program, the mandatory offset and highway funding sanctions that would otherwise be imposed on the Commonwealth have been avoided.

In closing I urgs you to continue your efforts to ensure the implementation of the Commonwealth's enhanced I/M program and avoid any steps that would delay the program. Such a delay would place the Commonwealth in jeopardy of mandatory Clean Air Act sanctions that could affect the Commonwealth's opportunities for acconomic growth.

Sincerely,

Carol M. Browner





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

S Dave

SEP 16 1994

OFFICE OF AIR AND RADIATION

Arthur A. Davis
Secretary
Pennsylvania Department of
Environmental Resources
MSSOB 16th Floor
P.O. Box 2063
Harrisburg, PA 17105-2063

Dear Mr. Davis:

John Seitz has brisfed me on the recent meeting of the Ozone Transport Commissioners held in Newark, New Jersey. I have been following your actions closely and am mindful that the decision you make on September 27 will be very important in setting the future course for NOx control in the Northeast. I would like to commend the Ozone Transport Commission (OTC) for the progress you have made thus far in developing a NOx control strategy to address the widespread ozone nonattainment problem in your region.

In your proposed NOx strategy, emission reduction requirements you are considering take two-forms, an emission limit expressed in terms of an emission rate (lbs NOx/mmBtu heat input) as well as a percent reduction from a baseline level of emissions. The less stringent form is deemed to govern. EPA would strongly support a NOx control strategy for the ozone transport region which has a target rate of 0.15 lbs/mmBtu in 2003. As you know, preliminary modeling shows that significant NOX reductions, such as would be provided by a 0.15 standard, will be necessary for Regional attainment. Further, EPA believes that the phased approach, which begins with interim reductions in 1999, would help make progress towards timely attainment of the ozone standard in the region's "serious" areas. We also strongly support including a regional-scale market-based emissions trading program as part the NOc control strategy as a means of providing more cost-effective rejuctions. Such a program could also incorporate incentives for even earlier reductions.

However, as John indicated at your meeting, EPA has some serious concerns regarding the percent reduction aspect of your proposed NOx strategy. While the percent reduction numbers you are considering may be appropriate, we believe that issues surrounding the establishment of clearly defined source-specific baselines could delay development and/or implementation of the final regulations and could result in fewer emissions reductions than currently anticipated. We do not believe EPA could approve

a State implementation plan (SIP) revision which did not have objective and verifiable baselines for each affected source. When we review your Memorandum of Understanding and subsequent SIP's, we will be critically examining the method by which these baselines are determined. I encourage your technical staff to work with my Office of Air Quality Planning and Standards to define appropriate basel nes as quickly and objectively as possible and to reliably quantify the reductions that may be expected from your program.

Once again, I would like to express support for the work the OTC is doing to control NOx. We look forward to working closely with you as you move for vard toward the goal of attainment and maintenance of the ozone NAAQS.

sincerely

. Nichols Mary D

Assistant Administrator for Air and Radiation

cc: Environmental Commissioners of OTC

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Legislative Budget and Finance Committee

A JOINT COMMITTEE OF THE PENNSYLVANIA GENERAL ASSEMBLY

OFFICES: Room 400 • Finance Building • Harrisburg • Tel: (717) 783-1600 • Facsimile: (717) 787-5487

MAILING ADDRESS: P.O. Box 8737 • Harrisburg, PA 17105-8737

EXECUTIVE DIRECTOR Philip R. Durgin

June 22, 1994

RECEIVED CHIEF ANALYST John H. Rowe, Jr.

Ozone & Mobile Sources Section (SAT13)

JUL 6 1994

EPA, REGION III

Mr. David Arnold Philadelphia Regional Office U.S. Environmental Protection Agency 841 Chestnut Street Philadelphia, PA 19107

Dear Mr. Arnold:

This is to let you know that we plan to release our final report on Pennsylvania's enhanced emissions inspection program at an LB&FC meeting on June 29. The meeting will begin at 9 a.m. in Room 8E-B of the Capitol East Wing.

We would welcome a representative from the EPA to attend this meeting. I do not anticipate you would be asked to give formal testimony, but we would appreciate having someone who could answer questions that may arise. Please let me know before next Wednesday's meeting if anyone from the EPA will be able to attend our meeting. Thank you.

Sincerely,

Philip R. Durgin Executive Director

PRD:alr

cc: Kelly Bunker





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III 841 Chestnut Building Philadelphia, Pennsylvania 19107

AUE 16 1994

Honorable Robert P. Casey Governor of Pennsylvania 225 Main Capitol Building Harrisburg, Pennsylvania 17120

Dear Governor Casey:

The Clean Air Act, as amended in 1990 (CAA), establishes a number of new requirements that must be met by areas that are designated nonattainment for the criteria air pollutants ozone.

We commend the Department of Environmental Resources for the State Implementation Plan (SIP) elements that have been adopted and submitted to EPA. We consider these SIP submittals to be a high priority and will process them as quickly as possible.

While we recognize that Pennsylvania has made substantial progress in meeting its obligations under the CAA, the SIP element due by the milestone date of May 15, 1994 has not been submitted. For the Clean Fuel Fleet Program (CFV) SIP revision, which is the subject of today's finding, this office intends to continue to work closely with the Department of Environmental Resources to undertake all necessary efforts to ensure its submittal as soon as possible in order to avoid the implementation of sanctions.

By today's letter, EPA is notifying Pennsylvania that pursuant to section 179(a) EPA has made a finding of failure to make a required plan submission for the establishment of a clean fuel vehicle program for certain fleets pursuant to sections 182(c)(4)(A) and 246 of the CAA. Sections 182(c)(4)(A) and 246 require that a SIP be formally submitted within 42 months after enactment, or by May 15, 1994, that provides for the phase-in purchase of clean fuel vehicles by a certain fleet operator in the Philadelphia severe ozone nonattainment counties of Philadelphia, Bucks, Montgomery, Delaware, and Chester. In general, such findings are being made for states that have failed to make a submittal, have not approved final rules, or documents, or have not held public hearings as required under sections 110(a)(2) and 110(1), 40 CFR 50.102 and 40.103(a).

For this finding of failure to submit, if Pennsylvania has not made a complete submittal of the identified program(s) within 18 months of this letter, EPA will be mandated to use its authority under section 179(a) to impose at least one sanction identified in section 179(b) in the affected nonattainment area(s). If the failure to submit is not corrected within six months of imposition of the first sanction, the second sanction will be automatically imposed. EPA also has discretionary authority under section 110(m) to impose sanctions based on the State's failure to make a required submittal. In addition, section 110 (c) of the Act requires EPA to promulgate a Federal Implementation Plan (FIP) no later than 2 years after a finding is made under section 179 (a).

Once EPA has made a finding of failure to submit a required SIP revision or plan element, determined a submittal to be incomplete or disapproved a submitted plan, EPA will not impose mandatory sanctions if within 18 months after the date of the finding or disapproval EPA finds that the State has submitted a complete plan or, in the case of a disapproval, EPA takes final approval action on submitted corrections to the deficiencies for which the plan was disapproved. If Pennsylvania makes a complete submittal within that 18-month period the sanctions clock will be stopped.

I emphasize that the finding made implies no judgement as to State intent; it is merely a statement of fact that EPA is required to make under the CAA. EPA takes very seriously its responsibility to administer the CAA in a fair and just manner, and this finding is an exercise of that responsibility.

I look forward to working closely with you and your staff to ensure that the CAA requirements are met in a timely and effective manner without adverse consequences.

Sincerely,

Peter H. Kostmayer Regional Administrator

cc: Honorable Arthur A. Davis, Secretary Pennsylvania Department of Environmental Resources

Honorable Howard Yerusalim, Secretary Pennsylvania Department of Transportation

Honorable Catherine W. Cowan, Deputy Secretary Air and Waste Management

James M. Salvaggio, Director Bureau of Air Quality Control

David S. Gendell, P.E. Regional Administrator Federal Highway Adminstration

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Allegheny County Health Department

COUNTY COMMISSIONERS

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Pete Flaherty

Larry Dunn

BUREAU OF ENVIRONMENTAL QUALITY 301 Thirty-ninth Street Pittsburgh, Pennsylvania 15201 (412)578-8101

Bruce W. Dixon, M.D. Director



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TO:

Air Pollution Control Advisory Committee Members

Air Pollution Control Advisory Committee Subcommittee Chairs

FROM:

Ronald J. Chleboski, Deputy Director

Bureau of Environmental Quality

DATE:

June 27, 1994

SUBJECT:

NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS)

The enclosed memorandum - Subject: Future Air Issues - is forwarded for your information. Promelgation of more stringent health-related National Ambient Air Quality Standards for ozone and/or PM-10 will have major impacts here in Allegheny County.

To provide you some perspective on the impact of an ozone standard of 0.08 ppm O. averaged over eight hours, enclosed is a summary for the period 1988 - June 1994 showing the number of ozone enceedances with the present NAAQS versus the probable new standard.

RJC:mms

Enclosures

BCC: James K. Hambright Thomas J. Maslany James M. Salvaggio

Wilder D. Bancroft Glenda M. Christy Daniel B. Cinpinski Charles j. Goetz John W. Schombert Roger C. Westman

RECEIVED

JUL 1 4 1994

AIR, RADIATION & TOXICS Division

1.00

EADA A SE Francis . .



Allegheny County Bureau of Air Pollution Conti Delaware Air Resources Secti District of Columbia Environmental Regulatio Maryland Air Management Administrati New Jersey Division of Environmental Management North Carolina Division of Environmental Management Pennsylvania Bureau of Air Qual Philadelphia Air Management Servio Virginia Department of Air Pollution Conti

115 Pine Street Harrisburg, PA 17101

4

717-232-196 717-232-2018 (Fa:

DATE:

June 16, 1994

TO:

Ron Chleboski, Allegheny Co.

Darryl Tyler, DE Don Wambsgans, DC Merrylin Zaw-Mon, MD

John Elston, NJ Alan Klimek, NC Jim Salvaggio, PA

Bob Ostrowski, Philadelphia

Pam Faggert, VA

FROM:

James K. Hambright N

Executive Director

SUBJECT:

Future Air Issues

RECEIVED

JUN 16 1994

DEPUTY DIRECTOR'S OFFICE Bureau of Environmental Quality

At a June 15, 1994 Emission Trading Demonstration Project luncheon speech John Bachman, EPA OAQPS, predicted that EPA would change the national ozone ambient air quality standard within the next 12 to 14 months. He believes that the new standard will probably be 0.08 ppm O₃ averaged over 8 hours. If that happens, there would be a new SIP compliance deadline established which would be 10 years from the promulgation of the new standard. The changed standard would obviate the classification system established in Title I of the current CAA. John did not know how EPA would treat the existing SIP requirements. He projected that EPA would try to keep all the existing SIP requirements in place and that they would also maintain the 3% RFP requirement in order to assure continued progress toward attainment. He indicated that a new compliance deadline for the new standard would probably be about 2010 with new compliance SIPs due significantly before that point in time.

During the talk John also stated that EPA is pursuing its PM_{10} study. If PM_{10} turns out to be the major health problem that they think it is, he believes that the control program will turn out to be bigger than ozone control. A lot of the additional control would be for SO_x and NO_x which are precursors for fine particulate.

For you who like to plan ahead for 10-20 years, these are issues to which you should be giving serious consideration.

| Post-It* Fax Note | 7671 | Date 6-16-44 pages 3 |
|-------------------|------|--------------------------|
| To Directors | | From James K. Hambright |
| Co./Dept. | | CO. MARAMA |
| Phone # | | Phone # 717 - 232 - 1961 |
| Fax # | | Fex - 717-232-2018 |

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OZONE EXCEEDANCES IN ALLEGHENY COUNTY FROM 1988 THROUGH 6/23/94 FOR THE 8-HOUR STANDARD BEING DISCUSSED BY EPA AND FOR THE PRESENT 1-HOUR STANDARD

| | | # OF 8-HF | R EXCEED | DANCES* | \ | × | 8-HOUR | MAX (PPB) | |
|--|------------------|--------------|---------------|---------|--------------------------------------|--|---|--|---|
| | | | | | YEAR | Palaconada (64 1917 - 678 192 | | | |
| SITE: | BR/HT | LV | SF | FH | TOTAL | BR/HT | LV | SF | FH |
| 1988 | 39 | 37 | 59 | 22 | 157 | 145 | 148 | 141 | 127 |
| 1989 | 9 | 10 | 12 | 6 | 37 | 117 | 114 | 114 | 97 |
| 1990 | 1. | .2 | Q | 9 | 12 | 94 | 100 | 79 | 102 |
| 1991 | 12 | 1 1 | 8 | 10 | 41 | 107 | 109 | 97 | 99 |
| 1992 | 6 | 1 | O | 2 | 9 | 79 | 87 | 83 | 93 |
| 1993 | 8 | 6 | 2 | 0 | 16 | 109 | 112 | 92 | ± 1 |
| 1994 | 5 | 8 | 10 | 4 | 28 | 102 | 109 | 104 | 74 |
| SITE | 81 | 75 | 71 | 53 | 300 | | | | |
| | | | | | | | | | |
| | # OF | 1-HR EXCE | EEDANCE | DAYS** | | | I-HOUR | MAX (PPB) | * |
| | | | | DAYS** | YEAR | | 1-HOUR | MAX (PPB) | 49 |
| SITE: | # OF BR/HT | 1-HR EXCE | EEDANCE SF | DAYS** | YEAR TOTAL | BR/HT | 1-HOUR | MAX (PPB) | FH |
| SITE: | | | | | | _ BR/HT 165 | | | FΗ |
| | BR/HT | LV | SF | FΉ | TOTAL | | LV 170 | 6F 159 | PH 153 |
| 1988 | BR/HT | LV 6 | SF 4 | FΉ | TOTAL 24 5 | 1.65 1.43 | LV 170 129 | SF 159 131 | FH 153 114 |
| 1988 1989 | BR/HT | LV 6 | SF 4 | FΉ | TOTAL 24 5 0 | 165 143 106 | LV 170 129 111 | SF 159 131 91 | FH 153 114 115 |
| 1988 1989 1990 | BR/HT 13 2 | LV 6 1 | SF 4 | FΉ | TOTAL 24 5 | 165 143 106 127 | LV 170 129 111 127 | SF 159 131 91 109 | PH 153 114 115 111 |
| 1988 1989 1990 1991 | BR/HT 13 2 | L∨ 6 1 | SF 4 | FΉ | TOTAL 24 5 0 2 0 | 165 143 106 127 105 | LV 170 129 111 127 94 | SF 159 131 91 109 94 | PH 153 114 115 111 110 |
| 1988 1989 1990 1991 1992 | BR/HT 13 2 | LV 6 1 | SF 4 | FΉ | TOTAL 24 5 0 2 | 165 143 106 127 | LV 170 129 111 127 | SF 159 131 91 109 94 111 | FH 153 114 115 111 110 94 |
| 1988 1989 1990 1991 1992 1993 | BR/HT 13 2 | L∨ 6 1 | SF 4 2 | FΉ | TOTAL 24 5 0 2 0 1 | 165 143 106 127 105 127 | LV 170 129 111 127 94 124 | SF 159 131 91 109 94 | PH 153 114 115 111 119 |

BR = Brackenridge

HT = Harrison

LV = Lawrenceville

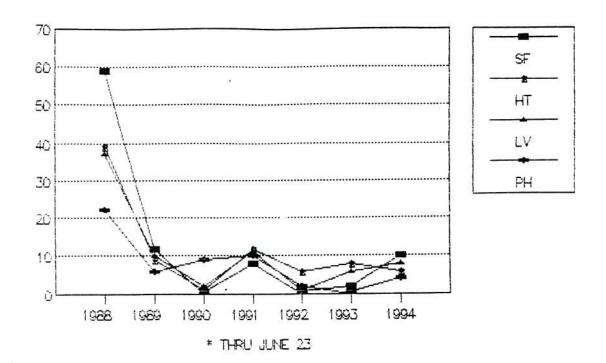
SF = S Favette

FH = Fenn Hills

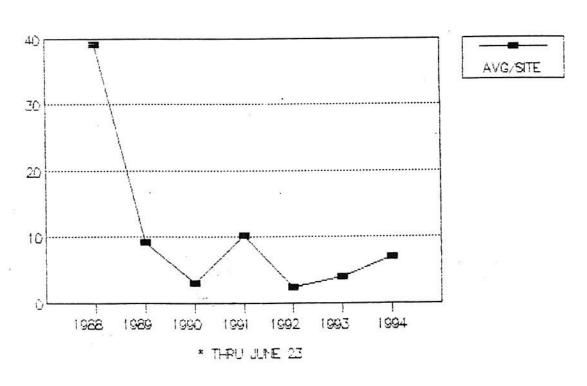
^{*} Standard = 0.08 ppm; lowest exceedance value = 0.085 due to rounding from 3 to 2 decimal places.

^{**} Standard = 0.12 ppm; lowest exceedance value = 0.125.

OZONE 8-HR EXCEEDS:1988-94* DISCUSSED STD = 0.08 PPM



OZONE 8-HR EXCEEDS:1988-94* DISCUSSED STD = 0.08 PPM



DYCHEDANCES

EXCEEDANCES

Myth vs. Fact

You've heard the rumors. Here are the facts about the new Auto Emissions Test.

Myth:

Pennsylvania doesn't have an air pollution problem.

Myth:

Industry, not motor vehicles, is the biggest contributor to the air pollution problem.

Myth:

86 test centers are not enough to test 3 million vehicles per year.

Myth:

The new E-Check test will mean taking a day off from work and waiting in long lines.

Myth:

Motorists are going to have to spend \$450 for repairs if they fail the test.

Myth:

The new test centers will put auto repair facilities out of business.

Myth:

Auto repair facilities won't be able to assure a successful retest creating the "ping pong" effect, bouncing motorists between the E-Check Center and repair facility.

Myth:

Other states are getting a better deal from the EPA concerning centralized vs. decentralized auto emissions testing.

Fact:

The U.S. Environmental Protection Agency (EPA) has determined that 35 states throughout the United States have failed to meet the air quality health standards established by the Clean Air Act amendments of 1990. Many areas of Pennsylvania exceed those standards, exposing millions of people to higher risks of lung and respiratory disease and other health problems. Extremely hazardous air quality has been recorded in Pennsylvania at least nine times this summer alone.

Fact:

Every day in Pennsylvania, cars and trucks drive a total of over 240 million miles, spewing more than 8,000 tons of pollutants into the air. More than 8 million gasoline-powered vehicles account for approximately one third of all pollutants (as much as 90% of the carbon monoxide) that cause smog and contribute to respiratory illness. Most emissions from motor vehicles are invisible and odorless. A successful auto emissions test program will reduce these emissions.

Fact:

Some simple arithmetic disproves this myth. Each lane in an E-Check center is capable of testing 12 vehicles per hour. Since there will be 287 testing lanes, operating at 60 hours per week for 50 weeks during the year, the network of 86 E-Check Centers will have a capacity of 10.3 million vehicles per year (more than projected for the year 2001). For the years 1995 and 1996, roughly 3 million vehicles will be tested each year. As the simple arithmetic shows, there is ample capacity now and in the future to provide quick, convenient emissions testing.

Fact:

The E-Check Centers will be open six days a week, with 60 hours of operation, including mornings, evenings and Saturdays. You can go to the E-Check Center of your choice whenever it's convenient for you, and you or your mechanic will not need to make an appointment. The test—which is only required every other year—takes 12 minutes.

Fact:

Approximately 20% of all vehicles tested are excessive polluters and are expected to fail. If you properly maintain your vehicle, it should pass. The EPA estimates that motorists will spend an average of \$120 for necessary repairs. \$450 is the maximum that a vehicle owner will spend on repairs in the E-Check program. Vehicles that have been repaired to pass the test will also provide improved gas mileage and longer life, consequently, saving the motorist money.

Fact:

Auto repair facilities will repair vehicles that fail the emissions test and will also continue to perform the state safety inspections. The E-Check Centers are prohibited by contract with the Department of Transportation from performing any repairs as a consumer protection measure. Motorists can take their vehicle to any independent repair facility for necessary repairs.

Fact:

Most vehicles (8 out of 10) will pass the test the first time. Most of the vehicles that fail the test will require simple engine tune-ups or repairs. Only those vehicles with severe pollution problems may need to be retested more than once. To minimize retests, Envirotest is offering the repair industry training and education on the test process, the most cost-effective repairs, common causes for failure, and methods for checking the car after repairs. Technical advice will only be a phone call away, at Envirotest's Repair Hotline staffed by ASE-certified mechanics.

Fact

Not so. In fact, 16 of 22 states that are required to implement enhanced auto emissions programs have chosen a centralized program similar to Pennsylvania's. California's program (which has been praised by some) will be more costly to motorists—estimates range from \$30 to \$50 per test—and cost millions in taxpayer dollars for enforcement. At a cost of \$17-\$22 every other year, Pennsylvania's program is an effective, less costly way to satisfy the EPA mandate to reduce auto emissions.

The fact is, the E-Check program, beginning in January 1995, is the most cost-effective and convenient way to achieve the auto emissions reductions required by the federal Clean Air Act. You will enjoy peace of mind knowing that the test is accurate and unbiased, and that the E-Check Centers will not profit from any repair work. E-Check ... it's the best program for cleaner air.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

841 Chestnut Building Philadelphia, Pennsylvania 19107-4431

JUN 30 1994

Honorable Arthur A. Davis, Secretary Department of Environmental Resources Commonwealth of Pennsylvania Fulton Building, 9th Floor 3rd & Locust Streets P.O. Box 2063 Harrisburg, Pennsylvania 17105-2063

Dear Mr. Davis:

On March 30, 1994, EPA received an official addendum to the Pennsylvania Inspection and Maintenance (I/M) State Implementation Plan (SIP) revision. This addendum included portions of the I/M contractors proposal. We have reviewed the addendum and determined that certain portions of the contractors proposal are not necessary in order to process the SIP. We believe that these documents have the potential to be proprietary and therefore we are returning this material to you. The portions of the contractors proposal that are being returned are as follows:

Tab 2 - All pages
Tab 4 - Pages 5-7, 9-26, 29-68, 76-87, 91-100, 113-132, 137-138, 142-174, 228-242, 253-265, 297-336, 339-420, 427-434, 439-440 and all appendices.

Tab 5 - Pages 7, 23-40, 55-146, 173-180, 185-192 and all appendices

Tab 8 - Pages 3-6, 11-33 and 35-219

Tab 9 - Pages 8, Appendix A

Tab 10 - Pages 3-103 and 106

If you have any questions, please contact me at (215) 597-9390 or your staff may contact Kelly Bunker at (215) 597-4554.

Sincerely,

Thomas J. Maslany, Director Air, Radiation & Toxics Division

Enclosure

cc: Howard Yerusalim, PADOT

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III 841 Chestnut Building Philadelphia, Pennsylvania 19107

Honorable Arthur A. Davis, Secretary
Department of Environmental Resources
Commonwealth of Pennsylvania
Fulton Building, 9th Floor
3rd & Locust Streets
P.O. Box 2063
Harrisburg, Pennsylvania 17120-2063

APR 22 1994

Dear Mr. Davis:

This will acknowledge receipt of your March 30, 1994 letter transmitting an official addendum to the Pennsylvania Inspection and Maintenance (I/M) State Implementation Plan (SIP) revision.

Kelly Bunker has been assigned to be the project officer of your submittal. If we can be of further assistance, please contact me at (215) 597-4713, or David Arnold, Chief, Ozone and Mobile Sources Section, at (215) 597-4556.

Sincerely,

Marcia L. Spink, Chief

Air/& Radiation Programs Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

APR 6 1994

OFFICE OF AIR AND RADIATION

Honorable Robert P. Casey Governor of Pennsylvania Hirrisburg, PA 17120

Dear Governor Casey:

We have recently received a decision from the U.S. Court of speals which affects committal State implementation plans (SIP's). I wanted to share this decision and its potential impacts with you since it in effect overrides earlier Invironmental Protection Agency (EPA) guidance. The result of the decision could be imposition of Clean Air Act (Act) sanctions on States earlier than anticipated. (The Act provides for two) inds of sanctions for failures in the SIP process: the first is a requirement that major new and modified industrial sources offset new emissions at a 2-to-1 ratio; the second is a prohibition on Federal highway funds.) The most immediate effect vill be on States that submitted committal SIP's for inspection/maintenance (I/M) programs required by the Act but it may also affect States that have not submitted other required SIP programs. We will work with you to try to get the SIP submittals in and approved as quickly as possible and to minimize the effects of the decision.

On March 8, 1994, the U.S. Court of Appeals for the District of Columbia Circuit issued a one-paragraph order (see Enclosure 1) that addressed EPA's previously issued guidance concerning committal SIP's. (Such a SIP would have contained a commitment to adopt the necessary measures in enforceable form and submit them to EPA by certain dates in the future. The EPA believed, at the time, that the Act provided the authority to grant States the flexibility to defer the adoption of these programs for a limited period.)

While your State has not submitted such a commitment, you should be aware that the order may affect the timetable for imposition of sanctions where a finding has been made. The order indicates that an opinion explaining the Court's reasoning will be issued at some indefinite point in the future. Shortly, we plan to seek clarification on the issue of the sanctions timetable. In seeking clarification, our principal goal is to minimize the impact of the Court order on States that submit complete programs.

Since the Court has not yet issued its opinion explaining the reasoning underlying its order, we cannot now identify the precise consequences of the order. Until the Court has provided



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i:s reasoning in a written opinion, we cannot predict the potential consequences of the Court order for other required SIP programs beyond the committal SIP programs that were the subject of the lawsuit.

Given this uncertainty, even though your State did not submit a committal SIP, it would be to your State's advantage to complete action as soon as possible on all of the SIP programs for which the Act's submittal deadline has passed and adopted rules have not yet been submitted to EPA (see Enclosure 2 for a list of outstanding SIP submittals). As noted earlier, I will in turn work to ensure that EPA expedites action on the SIP's it is currently processing and others as soon as possible after we receive them.

The EPA Regional Office will be following up with your environmental director to expeditiously clarify the exact consequences of the Court order for your State. This new development poses a significant challenge to all of us. While we are seeking further clarification from the Court about the exact mamifications of this order, we felt it was important to notify you of the Court's action and potential consequences. We will work closely with your environmental program staff to provide any issistance we can to help the State develop and submit the required programs to minimize any sanction consequences and to achieve our ultimate goal of attaining the air quality standards.

sincerely yours,

Mary D. Nichols

Assistant Administrator for Air and Radiation

Enclosures

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ENCLOSURE 1

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 92-1596

September Term, 1993

Natural Resources Defense Council, Inc.,

Petitioner

.. states Court of Appeal.
the District of Columbia Circuit

LED MAR 08 1994

Environmental Protection Agency, et al,

RON GARVIN

Respondents

Before: MIKVA, Chief Judge, WALD AND HENDERSON, Circuit Judges.

ORDER

Petitioner Natural Resources Defense Council, Inc. (NRDC) challenges various aspects of a final rulemaking of the Environmental Protection Agency (EPA), "Inspection/ Maintenance Program Requirements," 57 Fed. Reg. 52,950 (1992), including EPA's regulation parmitting conditional approval of certain "committal" State Implementation Plans (SIPs) under section 110(k)(4) of the 1990 amendments to the Clean Air Act, 42 U.S.C. § 7410(k)(4). See 57 Fed. Reg. at 53,003 (codified at 40 C.F.R. § 51.372(b)); see also 57 Fed. Reg. at 52,970-71. For reasons we will fully set out in a subsequent opinion, we conclude that EPA's conditional approval regulation is contrary to law and has improperly delayed SIP submissions beyond the statutory deadlines. To prevent further delay in implementing the statutorily mandated SIPs, we direct EPA to review and either approve or disapprove no later than July 15, 1994 all basic and enhanced inspection and maintenance SIPs it has already received. In addition, we anticipate that those states that have not submitted SIPs in time for approval by the July 15, 1994 deadline will be subject to sanction pursuant to 42 U.S.C. § 7509.

. Per Curiam

ON MAN



COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION HARRISBURG, PENNSYLVANIA 17120 RECEIVED
Ozone & Mobile Sources
Section (3AT13)

MAR 3 8 1994

EPA, REGION III

OFFICE OF
SECRETARY OF TRANSPORTATION

March 18, 1994

Dear David:

Thank you very much for all of your help in preparing us for explaining the differences between Pennsylvania's and California's tentative Enhanced Inspection and Maintenance Programs. I believe it was very clear to our Legislators that they are not interested in adopting the California Program for Pennsylvania.

Thank you very much also for taking the time out of your busy schedule and coming to Harrisburg to make a presentation and answer questions presented by key members of our Legislative Committees who have been the most outspoken regarding the Enhanced Inspection and Maintenance Program.

The good news is that our Senate recessed until April 11, 1994, without taking any action on their bill that would have rescinded my ability to complete the implementation of the Program. We will see what happens when they return in April, but I believe that we may have slowed down this rush that was so prevalent just one week ago.

It is true partnerships like those between U.S. DOT, Federal Highway Administration, EPA, State Departments of Transportation and Environmental Resources (Environmental Protection) that are going to go a long way toward cleaning up our air and providing responsible transportation programs.

Sincerely,

Howard Yerusalim, P.E. Secretary of Transportation

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cc: Rodney Slater Mary Nichols



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III 841 Chestnut Building Philadelphia, Pennsylvania 19107

Mr. James M. Salvaggio, Director
Department of Environmental Resources
Bureau of Air Quality Control
Commonwealth of Pennsylvania
Market Street Office Building, 12th Floor
400 Market Street
P.O. Box 8468
Harrisburg, Pennsylvania 17105-8468

MAR 1 5 1994

Dear Mr. Salvaggio:

vehicle inspection and maintenance (I/M) State Implementation Plan (SIP) which was submitted on November 5, 1993. Page 52 of the SIP text indicates that "when the award is made to a contractor, their written technical specifications for test equipment to be used in the program will be submitted as an amendment to the SIP". In addition, during our review of the I/M SIP, it was determined that portions of the federal I/M requirements were proposed to be met through certain actions discussed in the Pennsylvania I/M Request for Proposals (RFP), which was submitted as part of the SIP. However, these actions can only be confirmed through review of the selected contractor's proposal. Consequently, Pennsylvania must formally submit the relevant portion of the contractor's proposal and a copy of the signed contract so that EPA can confirm the following:

- 1. Short wait times, convenience requirements and testing of all vehicles presented during station operating hours (see pages 18-20 of RFP),
- 2. How fleets will be tested (see page 20 of RFP),
- 3. Written technical specifications for all test equipment which includes acceptance testing criteria and procedures for periodic preventive maintenance of all equipment (see page 52 of SIP text),
- Real-time data link (see page G-1 of RFP),
- 5. Quality control of waiver issuance (see pages 22-23 of RFP),

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- 6. How contractor will allow for quality assurance audits by Pennsylvania Department of Transportation (PADOT) (see page 24-26 of RFP),
- 7. Contractor will provide formal training program to PADOT auditors and details of formal training to be provided (see page F-2 of RFP),
- 8. Data collection, analysis and reporting (see Appendix G of RFP and pages 90-94 of SIP text),
- Contractor will provide formal training to inspectors including details of training to be provided (see Appendix F of RFP),
- 10. Contractors public information program (see Appendix E of RFP),
- 11. Establishment of a hotline service, development of a course for the purpose of training repair technicians in diagnosis and repair of motor vehicle emission control systems and implementation of "Train the trainers" seminars (see Pages D-5 through D-8 and Appendix P of the RFP),
- 12. General requirements, enforcement and reporting requirements of compliance with recall notices (see pages 23-24 of RFP) and
- 13. Detailed description of on-road testing program, methods for collecting, analyzing and reporting the results of the on-road testing program and staffing of the on-road testing program (see pages 114-115 of SIP text).

We understand that the I/M contract was not signed until, November 17, 1993, which was after the November 5, 1993 submittal date of the Pennsylvania I/M SIP. However, to date we still have not received the promised addendum to the submittal which includes selected portions of the contractors proposal and the signed contract. If the signed contract and portions of the contractor's proposal addressing the above listed items are not formally submitted as an addendum to the Commonwealth's November 5, 1993 submittal by April 15, 1994, we will have no alternative but to begin the process of a limited approval/limited disapproval of the enhanced I/M SIP. EPA Region III anticipates completing the notice by May 1, 1994 at which time it would be forwarded to Headquarters for publication.



If you have any questions, please contact me at (215) 597-4713 or your staff may contact Kelly Bunker at (215) 597-4554.

Sincerely,

Marcia L. Spink, Chief Air and Radiation Programs Branch